

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Contempt Petition No. 59 of 2007
in
Original Application No.234 of 2001

1. Laxminarayan Taparia & anr. ..Petitioners

vs.

1. Central Bank of India
and others ..Respondents

Mr.Dilip Shukla for petitioners

CORAM: S.C.DHARMADHIKARI J.
27th August, 2007

P.C.

1. Perused the contempt petition and the orders annexed thereto. From perusal of the contempt petition so also considering the oral arguments, it is clear that the grievance of the present petitioners is that this Court had appointed a Court Receiver during the pendency of the proceedings in this Court. That was the Court Receiver, High Court, Bombay. After the proceedings were transferred to Debt Recovery Tribunal, the Tribunal made an order appointing the Bank Officer as Receiver. What is being challenged is the act of the officer of the Bank acting as Receiver in disposing of the immovable property. That cannot be the subject matter of a contempt petition. Remedy of the petitioners is to impugn the order and

direction of the Receiver appointed by the D.R.T. so also the order of the D.R.T. itself permitting the sale. That can be made the subject matter of challenge in proceedings under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993. The contempt petition is misconceived and is accordingly dismissed.

(S.C.DHARMADHIKARI J.)